

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

EDDIE BARTON and §
SHIRLEY BARTON, §
Plaintiffs, § CIVIL ACTION FILE
vs. § NO. _____
§
ROBERT LEWIS EPPS §
and T & T FARMS INC., §
Defendants. §

NOTICE OF REMOVAL

COME NOW the Defendants in the above-captioned action, by and through their undersigned counsel, and herein respectfully show this Honorable Court as follows:

1.

A civil action was filed by the above-named Plaintiffs Eddie Barton and Shirley Barton in the Superior Court of Meriwether County, State of Georgia, naming the Defendants Robert Lewis Epps and T & T Farms Inc. in Civil Action File No. 2021-CV-0154. True and correct copies of all process and pleadings served on the Defendants in the Superior Court of Meriwether County, and the answer and counterclaim filed by the Defendants are attached hereto as Exhibit "A".

2.

This is a personal injury action in which Plaintiffs are seeking the recovery of bodily injuries sustained in a motor vehicle accident involving a T & T Farms, Inc.'s driver and truck that occurred on March 11, 2021.

3.

Plaintiffs are citizens of the State of Georgia.

4.

Defendant T & T Farms, Inc. is an Indiana corporation with its principal place of business at 1102 S Monticello Street, Winamac, Indiana 46996.

5.

Defendant Robert Epps is a citizen of the State of Alabama.

6.

The Defendants first received notice of this lawsuit on July 20, 2021. Therefore, this Notice of Removal to the United States District Court is filed by Defendants within thirty (30) days of their first notice of the lawsuit in accordance with 28 U.S.C. § 1446.

7.

In support of the assertion of federal jurisdiction, Defendants refer to the complaint in which the Plaintiffs allege that Plaintiff Shirley Barton has incurred

medical expenses currently in the amount of at least \$47,996.10, and that Plaintiff Eddie Barton has incurred expenses in an amount to be determined. The complaint states that both Plaintiffs will incur future medical expenses and future pain and suffering. The impact was to the passenger side of the Plaintiffs' car where Eddie Barton was located. Both Plaintiffs were transported from the scene by ambulance to the hospital. The jurisdictional amount of \$75,000 per person is facially apparent from the allegations of the complaint.

8.

The matter in controversy is one in which this Court has jurisdiction pursuant to 28 U.S.C. § 1332 as it involves citizens of different states, and the amount in controversy exceeds the sum of value of \$75,000 for each Plaintiff, exclusive of interest and costs. Therefore, pursuant to 28 U.S.C. §§ 1332 and 1441(a), this matter may be removed to this Honorable Court.

9.

Venue in this Court is proper pursuant to 28 U.S.C. §§ 1391 and 1441.

10.

Attached hereto and incorporated herein by reference are:

(a) Exhibit "B", which are true and correct copies of the notices filed by Defendants in the Superior Court of Meriwether County, Georgia, and served on the Plaintiffs' attorney in that action.

WHEREFORE, Defendants pray that the Superior Court of Meriwether County, Georgia proceed no further with Civil Action File No. 2021-CV-0154, and that said action be removed to this Court. Defendants further request that there be a trial by jury of all issues so triable.

This 5th day of August, 2021.

RESPECTFULLY SUBMITTED,

s/ John H. Peavy, Jr.
JOHN H. PEAVY, JR.
Georgia Bar No. 569610
Attorney for Defendants

PEAVY LAW, LLC
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CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to LR 7.1 D, ND Ga., that the foregoing pleading was prepared using 14 point Times New Roman font.

This 5th day of August, 2021.

s/ John H. Peavy, Jr.

JOHN H. PEAVY, JR.
Georgia Bar No. 569610
Attorney for Defendants

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing **Notice of Removal** upon Plaintiff by e-mailing a copy of the same addressed as follows:

Robert A. DeMetz, Jr., Esq.
Morgan & Morgan Atlanta, PLLC
408 12th Street, Suite 200
Columbus, Georgia 31901
RDeMetz@forthepeople.com

This 5th day of August, 2021.

s/ John H. Peavy, Jr.
JOHN H. PEAVY, JR.
Georgia Bar No. 569610
Attorney for Defendants

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